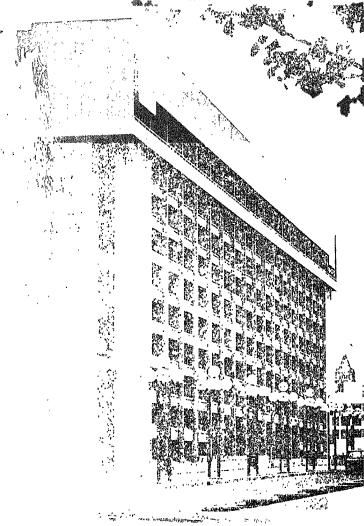


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I. Introduction

Created by Congress in 1970 to revitalize and manage the national mail system, the United States Postal Service is a unique hybrid of federal agency and public business corporation. Its basic mission is to move over 140 billion pieces of mail a year and to provide to the American public a wide range of postal services. Unlike many federal agencies, the Postal Service is a true operational entity, providing a range of basic commercial services that are vital to the business and social life of the country.

Reorganized to follow a corporate model and committed to operating in accordance with good business practices, the Postal Service carries forward the tradition of the former Post Office Department, which for nearly two centuries performed functions of critical importance to the economy and the social and cultural fabric of the nation. The Postmaster General is chosen by a board of Presidentially-appointed Governors and directs the activities of a corps of professional managers and a vast work force. Nearly all of the Service's operating revenues is generated by the sale of its services as it has been directed by Congress to work towards ultimate financial self-sufficiency.

The Law Department of the Postal Service participates in the work of the Service as both counselor and advocate. Its attorneys in effect form a large public law firm with an enormously varied practice that serves a single client. With its primary location at national headquarters in Washington, D.C., the Law Department offers opportunities for graduates and law students to gain valuable practical experience in such fields as labor law, administrative law, real estate law, government contract law, consumer protection, legislation, and administrative and federal court litigation.

The following material describes in more detail the Law Department and its client, the United States Postal Service. Particular attention is given to the programs designed for recent law graduates and for law students interested in obtaining legal clerking experience during the summer before their final year of law school.

II. The Law Department

A. Organization

The Law Department of the United States Postal Service is headed by the General Counsel and a Deputy General Counsel, who are appointed by the Postmaster General. Its approximately 140 attorneys, in major part located at national headquarters in Washington D.C., are organized into four major offices each headed by an Associate General Counsel. These offices in turn encompass several divisions, each of which is headed by an Assistant General Counsel. In addition, the work of our attorneys in the field is supervised by our Regional Counsels and Regional Labor Counsels. The following outline presents the overall structure of the Law Department. The work of each of the separate offices and divisions is described below.

General Counsel

Deputy General Counsel

- General Administrative Law Division
- Legislative Division

Office of Contracts and Property Law

- Construction and Real Property Division
- Procurement Division
- Transportation Division

Office of Labor Law

Office of Postal Rates and Mailing Rules

- Rates Division
- Classification Division
- Rate Application Division
- Consumer Protection Division
- International Law Counsel

Office of Field Legal Services

- Claims Division
- Special Projects Division
- Regional Counsels
- Regional Labor Counsels

In addition to the Law Department staff at national headquarters, there are five regional offices providing legal services to each of the Service's regional organizations. They are headquartered in Windsor, Connecticut (Northeastern Region), Philadelphia (Eastern Region), Chicago (Central Region), Memphis (Southern Region), and San Bruno, California (Western Region). Each regional office has a Regional Counsel and a Regional Labor Counsel, each of whom supervises a small staff of attorneys.

Regional counsel staffs are small in size and turnover is relatively low. For these reasons, Law Department recruiting is directed mainly toward filling positions at national headquarters. Recruiting for the regional offices is conducted when openings arise. Furthermore, in certain circumstances attorneys originally assigned to the Law Department at headquarters have transferred to the field, usually at the request of the attorney.

B. Composition

The Law Department boasts a diverse group of talented and innovative attorneys. For the past several years the Department has recruited intensively at a variety of law schools throughout the country, and has had the good fortune to attract and retain a number of bright, dedicated professionals. The following list of law schools gives an indication of the educational and, to some extent, the geographical backgrounds of our attorneys. The list also presents a general profile of the Law Department's composition from the standpoint of age, sex, minority status, and number of supervisors.

Law Department Composition

(By Law School, Age, Sex, Minority status, Supervisory status)

Law School	Atty's	Age*	Women	Min.	Sup.
Akron	1	0	0	0	1
American U.	3	0	2	0	1
Antioch	1	1	1	0	0
Arkansas	1	0	0	0	0
U. of Baltimore	1	0	0	0	1
Boston College	5	1	0	0	1
Brooklyn	3	0	0	0	0
U. of Calif. (Berkeley)	5	4	2	1	1
U. of Calif. (Hastings)	2	2	1	0	0
U. of Calif. (Los Angeles)	3	3	2	1	0
Case Western	1	0	0	1	0
Catholic U.	4	0	2	0	1
Chase College	1	0	0	0	0
U. of Chicago	2	2	0	0	0
Columbia	2	0	0	0	1
Cumberland (Samford)	1	0	0	0	0
De Paul	2	1	1	0	0
Detroit	1	1	0	0	0
Drake	1	0	0	0	0
Duke	4	2	1	0	2
Fordham	1	0	0	0	0
Georgia	1	0	0	0	0

*Attorneys not over 35 years of age

Law School	Atty's	Age*	Women	Min.	Sup.
Georgetown	7	4	2	2	2
George Washington	11	1	2	0	4
Harvard	10	3	1	2	5
IIT - Chicago	2	2	1	0	0
Indiana	1	0	0	0	0
Louisville	1	0	0	0	1
U. of Maryland	1	1	1	0	0
Memphis State	2	0	0	1	0
U. of Michigan	7	5	3	1	0
U. of Minnesota	2	0	0	0	1
U. of Mississippi	3	0	0	0	2
U. of Missouri (Kansas City)	2	1	1	0	1
New York Law School	1	1	1	0	0
New York University	4	3	2	2	0
U. of North Carolina	4	3	0	0	1
North Carolina Central U.	1	1	1	0	0
Northwestern	1	0	1	0	1
U. of Oregon	1	0	0	0	0
Pace University	1	0	1	0	0
U. of Pennsylvania	3	1	1	1	0
U. of Pittsburgh	1	0	0	0	1
Rutgers University (Camden)	1	1	0	0	0
U. of San Francisco	1	1	1	0	0
Stanford	3	0	0	0	3
U. of Tennessee	2	0	0	0	0
U. of Texas	11	6	2	1	1
Villanova	1	0	0	0	1
U. of Virginia	4	2	1	0	1
Washington U. (St. Louis)	1	1	0	0	0
U. of Wisconsin	2	1	1	0	0
Yale	3	2	1	0	1

C. Law Department Recruiting

Since 1970, when the Postal Service was created, the Law Department has developed a high quality staff of attorneys through an aggressive program of recruiting. In the beginning, the Law Department's personnel were drawn from a variety of sources, including the former Post Office Department, other government agencies, and private law firms. While the Law Department still recruits attorneys with prior experience on an as-needed basis, the major part of the recruiting effort has been aimed at prospective graduates from a wide range of law schools. This approach reflects a recruiting philosophy common to many major law firms and agencies. It emphasizes building a strong base of legal talent by hiring promising attorneys directly from law school and training them in particular fields of practice.

The Law Department's approach to recruiting serves its special requirements well. It also gives new attorneys the opportunity to gain practical experience at a level of responsibility uncommon for the first several years of private practice. Many of the attorneys hired by the Law Department through its law school recruiting program have remained with it, including the Deputy General Counsel, two Associate General Counsels, five Assistant General Counsels, and one Supervisory Attorney. Others have gone on to other responsible positions in government, private practice, and industry.

Each fall the Law Department conducts on-campus interviews at a number of law schools located throughout the country. This year we will be interviewing at the following schools: University of California (Berkeley), Chicago, Duke, Georgetown, George Washington, Harvard, Hastings, Howard, Maryland, Michigan, New York University, North Carolina, Northwestern, Pennsylvania, Stanford, Texas, Virginia, Wisconsin, UCLA, and Yale.

These campus interviews are generally followed by invitations to a few interested students to interview at Postal Service Headquarters in Washington, D.C. Students attending law school on the west coast are generally invited to a second round of campus interviews in lieu of the office interviews in Washington.

While the Law Department is not able to interview at all law schools across the country, it recognizes that many other fine schools produce talented attorneys each year. For this reason, the Department welcomes the applications of students at schools where it cannot interview, and often schedules personal interviews either in Washington or, if practicable, at other locations where its attorneys may be.

Because most of its recruiting efforts have been concentrated there, the Law Department has tended to hire most of its entry level attorneys from schools where it conducts campus interviews. The following chart reflects the hiring decisions resulting from the campus recruiting program (offers and acceptances) for the last five recruiting seasons. Decisions are not dictated by any preconceived pattern of particular schools or geographical distribution. Rather, the Department seeks each year to hire the applicants who, in the estimation of its interviewers, have the highest potential. In addition to the hirings represented on the chart, the Law Department has hired at entry level, since 1970 when it was organized, attorneys from the following law schools: American University, Brooklyn Law School, California (Davis), Case Western Reserve, Catholic University, IIT - Chicago, Loyola (Los Angeles), Maryland, San Diego, University of San Francisco, and Southern Methodist University.

**Attorneys (3d) and Law Clerks (2d) Hired Through the Law Department's
Campus Recruiting 1981-85 (Hired/Offers)**

	85-86		84-85		83-84		82-83		81-82	
	3d	2d	3d	2d	3d	2d	3d	2d	3d	2d
Antioch									2/2	
California		0/1		0/1	1/1	0/1	1/1	0/2		
Chicago							0/1			
Duke					0/1					
Georgetown	1/1	2/3	1/2	0/1	0/1	1/1		1/3		0/1
George Wash.							1/2		1/1	
Harvard	0/1			1/1			1/1		1/1	
Hastings	1/1		1/1	1/3	0/1			1/2	1/1	0/2
Howard				1/1				0/1	1/1	
Michigan							1/1	1/1	2/2	
NYU	0/1			0/1	0/1	2/2	1/1	1/1	1/2	
North Carolina	1/1	1/1		0/1	2/2	1/1		2/2		
Penn.						0/1				
Stanford		1/1		0/1	0/1	0/1				
Texas	2/2		1/1			1/1				
Virginia		0/1				0/2			1/1	
Wisconsin					0/2		1/1	1/1	0/1	1/1
UCLA	1/1		2/2	1/1		1/1	0/2		1/2	1/2
Yale	1/1				1/1			0/1		

The Law Department is particularly interested in attracting the applications of women and minority attorneys and law students. Currently, there are eight women attorneys and five male attorneys of minority status employed with the Law Department at headquarters and in the regional offices. In all, the Department employs thirty-seven women attorneys, including one Associate General Counsel, one Regional Counsel, and one Assistant General Counsel.

The Postal Service is committed to affirmative action and the Law Department is acutely aware of the importance of hiring and retaining women and minority attorneys in an increasingly competitive job market.

D. The Postal Service Attorney's Compensation and Benefits Package

Among the many factors that a student must carefully weigh in evaluating the desirability of a potential employer is the employer's compensation and benefits package. Although the annual salary will be the most important element in any employer's package, fringe benefits can greatly enhance its value. We consider the compensation package offered by the Postal Service to be one that compares favorably with other government agencies and with many private firms.

Postal Service attorneys and their families can participate in one of many group health plans offered. Like other federal agencies, the Postal Service pays a significant portion of the health insurance premium—up to 75% at the present time, a somewhat larger percentage than most federal agencies pay.

Life insurance is provided free in the amount of the attorney's salary, without the cost-of-living adjustment, rounded to the nearest thousand plus two thousand dollars. Additional term life insurance is available, including a limited amount on the attorney's spouse and children, at a very low price.

A new attorney at the Postal Service will earn thirteen working days of annual leave each year. When combined with accompanying weekends, this amounts to a little less than three weeks of vacation. This amount is increased to 20 working days, or about four weeks of vacation, after three years of service. Sick leave is accumulated at the rate of four hours every two weeks. Additionally, the Postal Service observes ten national holidays, and leave without pay, if needed, can usually be arranged.

Postal Service attorneys also benefit from a pay administration policy that differs from that of other agencies. The Postal Service's regular merit program provides for increases in an employee's salary based on his or her job performance. Attorneys with less than four years of experience participate in the Honor Attorney Program, which substitutes for the regular merit system and allows for more liberal and frequent pay increases, based on performance. Details of the Honor Attorney Program are presented in section III below.

In addition to the merit or honor attorney increases, Postal Service attorneys share in general management increases when they are awarded. Unlike similar increases in other federal agencies, general increases may be given at any time during the year, and receiving more than one general increase a year is not unknown. The Postal Service's and the Law Department's goal is to maintain pay comparability with the rest of government and the private sector.

There are other differences between the Postal Service and other federal employers. Postal Service attorneys may receive Cost of Living Adjustments (COLA) when economic circumstances warrant. At present, a COLA is being paid

There are other benefits available to attorneys for the Postal Service, such as use of the Postal Service Credit Union, that are not covered here. The above discussion is intended to give an overview of the total compensation and benefits package offered by the Postal Service. We consider it to be one of the very best in public service.

E. The Work of the Law Department

This section describes the work of each office and several divisions of the Law Department.

General Administrative Law Division

The General Administrative Law Division is responsible for a variety of administrative law matters that affect the Postal Service. This division decides administrative appeals brought under the Freedom of Information and Privacy Acts. Its attorneys participate, together with attorneys from the Department of Justice, in a significant amount of federal court litigation brought under these two acts, as well as other openness-in-government statutes, such as the Government in the Sunshine Act. The litigation practice of the division includes the preparation of motions, affidavits, and briefs, assisting in the preparation of witnesses for trial, as well as gathering facts, developing litigation strategy and, occasionally, making courtroom appearances.

The division also has major responsibility for implementing and rendering advice concerning the application of conflict of interest laws and related regulations. Attorneys from the division are also involved in other ethical conduct matters, such as the review of financial disclosure statements filed by postal officials and the advising of postal employees about the restrictions on political activity imposed by the Hatch Act.

The division renders advisory opinions to the public on the Private Express Statutes, which restrict the private carriage and delivery of letters, and advises postal managers on these and other postal laws and regulations. Litigation under these statutes and regulations, which may involve a wide variety of substantive and procedural legal issues, is also handled by attorneys in this division in conjunction with the Department of Justice.

A frequent role assumed by attorneys in this division is that of counselor to Postal Service management. This role may involve such matters as developing policy with the Postal Inspection Service, the Postal Service's law enforcement arm, on the disclosure and maintenance of criminal investigatory records; writing directives that inform postal officials of their obligations if they receive gifts from a foreign government; speaking with a postmaster about the Privacy Act rights of employees; or counseling officials on the statutory restrictions on post-employment activities. Additionally, attorneys develop procedures and write regulations implementing new or amended statutes in the area of law for which the division is responsible. Attorneys also give advice on and initiate recommendations for changes in policy and regulations concerning a variety of matters affecting the Postal Service, which frequently require close coordination with other components of the Law Department and with operational units of the Postal Service.

Legislative Division

The Legislative Division's chief responsibilities involve the preparation and coordination of the legislative program of the Postal Service. The division's attorneys prepare the official views of the Postal Service on proposed bills in which the Service has an interest. Their work pertains not only to postal legislation, but also to a broad selection of other legislative issues ranging from food stamps to airline deregulation to law enforcement. The division serves as liaison to the Office of Management and Budget for the Postal Service's participation in the internal Executive Branch reviews of legislation and the preparation of Executive Orders. Upon request, the division also drafts bills and amendments for the use of members of Congress and their staffs in preparing legislative initiatives pertaining to subjects in which the Postal Service has some expertise.

An important part of the Postal Service's legislative program for which the division is responsible is the preparation of testimony given by the Postmaster General or other senior postal officials before Congressional committees. This work involves drafting a prepared statement to be read or summarized by the witness before the question and answer portion of the hearing. Subjects of recent testimony have included employee retirement benefits, the Postal Service's role in the 1990 decennial census, mail order drug paraphernalia, U.S. flag shipping preference, crime against the elderly, COD fraud, and the financial and operational status of the Postal Service.

The division's second principal job involves the preparation of postal regulations. The division is responsible for review and publication of the regulations in the Federal Register. It also reviews handbooks and manuals and serves as legal advisor for the Service regarding regulations.

In addition to legislative and regulations work, attorneys in the Legislative Division may be called upon to advise postal management on such matters as the Postal Service's 10 billion dollar borrowing authority, eligibility for official mail privileges, and the interpretation of recently enacted laws. The division also participates in the preparation of administrative decisions concerning post office closings and consolidations, and litigates arbitrations dealing with the Postal Service vending program for the blind under the Randolph-Sheppard Act.

Office of Labor Law

Attorneys in the Office of Labor Law occupy a unique position in government service. The Postal Service, except for the Defense Department, is the largest employer of personnel in government, and it is the only federal agency whose employment policies are governed by the National Labor Relations Act. Attorneys in the Office of Labor Law serve the Postal Service in the dual capacities of counselor and advocate.

As counselors, Law Department attorneys advise the Postal Service on legal matters involving relations between the Postal Service and its 780,000 employees, most of whom are members of unions. As advocates, the attorneys represent the Postal Service in labor and personnel disputes arising in several different forums. The Office of Labor Law represents the Postal Service before the National Labor Relations Board in representation and unfair labor practice cases. It is also advocate for the employer in arbitrations arising out of grievances filed under the collective bargaining agreements between the Postal Service and its unions. Labor attorneys also have occasion to represent the Service before the Merit Systems Protection Board or in-house hearing officers in disciplinary matters, and before the Equal Employment Opportunity Commission. Finally, the attorneys of this office are actively involved in federal court litigation throughout the country. The office's extensive litigation practice includes discovery, drafting pleadings, preparing briefs, and, with some frequency, arguing at trial and appellate court levels.

The work of the Office of Labor Law encompasses the full range of employee and labor relations law, including such areas as workers' compensation, unfair labor practices, labor contract interpretation, the Fair Labor Standards Act, occupational safety and health, and equal employment opportunity. Work in this office also involves participation in the more practical aspects of employee and labor relations matters, such as contract negotiation and administration and formulation of Postal Service employment regulations. Legal services provided range from informal discussion with postal managers at all levels and preparation of advice memoranda to representation of the Postal Service in the various types of litigation mentioned above.

Because the client is located nation-wide, the work of the Office of Labor Law entails frequent travel. The Law Department maintains a small staff of labor attorneys at each of its regional offices.

Office of Contracts and Property Law

The Office of Contracts and Property Law is responsible for a variety of legal questions arising from the acquisition of real property, the construction and operation of postal facilities and the acquisition of supplies, equipment and services. The office is headed by an Associate General Counsel with an Assistant General Counsel bearing direct responsibility for each of the office's three divisions—the Construction and Real Property Division, the Procurement Division, and the Transportation Division.

Construction and Real Property Division attorneys are involved in every stage of the acquisition of facilities from the purchase or lease of building sites through construction and any litigation which may follow. In the initial stages, the attorney's work may include review of purchase or lease agreements, and assistance in the negotiation of such contracts. Then the attorney may be

involved in reviewing an architect-engineer contract, an invitation for construction bids, and a proposed construction contract. After award of a construction contract, legal questions often arise concerning whether the contractor must comply with state or municipal permit and assessment requirements of various kinds. On these questions, often involving delicate federal-state relations issues, the attorney will render advice to postal administrative officials and may be involved in contacting state or municipal building, utility, or licensing authorities or their counsel.

The attorney also advises the contracting officer in connection with that official's decisions on claims and disputes which arise from the performance of the contract, the attorney negotiates with contractors and their counsel in the resolution of legally difficult disputes, and represents the Postal Service in formal administrative trials of appeals from the contracting officer's decisions. The trials of the more complex cases are often of long duration, and in some instances involve millions of dollars. Legal problems related to property management are also handled by the attorneys in this division. In this regard, certain constitutional issues may arise, such as the right to demonstrate and solicit on postal premises. The attorney may render legal opinions on these issues, and in some instances negotiate resolution of the problems with the organizations raising them.

Procurement Division attorneys provide counsel in connection with the Postal Service's acquisition of supplies, equipment and services. The Postal Service contracts for more than half a billion dollars worth of a diverse assortment of supplies and services, ranging from stamps, postal stationery, and post office supplies to research and development in the field of communications technology. Attorneys within the division assist in the formulation of the Service's procurement policy and the regulations and directives which implement it. With respect to individual contracts, the division's attorneys play an active role in the development and review of the initial solicitations, especially those involving complex negotiations. The attorney focuses on legal matters, but also may contribute experience and expertise in the structuring of technical, business, and other aspects of the procurement.

Once offers are sought, the attorney may provide advice to the contracting officer with respect to the prospective award, or may participate in the resolution of a bid protest lodged by a disappointed bidder. Following contract award, the attorney will advise the contracting officer on, and help resolve, claims and disputes under the contract. The attorney will represent the Postal Service in the administrative trial of appeals from the contracting officer's decisions, and will assist Justice Department lawyers with any ensuing litigation. Recent matters handled by the Procurement Division have included counsel in the administration of contracts totaling some \$250 million implementing the expanded ZIP code, and review of nationwide telecommunications systems.

The Procurement Division also provides counsel as to matters of intellectual property law. Patent attorneys prosecute patent and trademark applications in the United States Patent and Trademark Office, secure copyrights, and take action to protect and enforce these rights, once acquired, including initiating lawsuits through the Department of Justice.

The Transportation Division advises postal management on all matters relating to the transportation of mail by land, water, and air. The division represents the Postal Service before the Department of Transportation, the Interstate Commerce Commission, and the Federal Maritime Commission.

The Postal Service procures transportation of mail by all surface modes of transportation, and by airlines within the domestic United States except the State of Alaska, through contractual arrangements with the providers of transportation services. The division is involved in both the planning of procurement strategy and the litigation of contract disputes before the Postal Service Board of Contract Appeals. Rates for the air transportation of mail between the United States and foreign countries, and within the State of Alaska, are established in administrative proceedings before the Department of Transportation. Representation of the Postal Service in this major ratemaking arena is a specialty of the Transportation Division.

The Transportation Division provides legal counsel to postal management on a wide range of contractual and other matters relating to the transportation of mail. This includes advice concerning the administration of contracts, the resolution of contract disputes, and the interpretation of federal and state laws, pending federal legislation, and Postal Service regulations. The division also plays an important role as counselor in the planning and implementation of new arrangements for mail transportation.

As indicated above, attorneys in all divisions of the Office of Contracts and Property Law handle contract disputes under the Contract Disputes Act of 1978 in formal trial proceedings before the Postal Service Board of Contract Appeals. Attorneys involved in these proceedings prepare pleadings and briefs, pursue written and oral discovery, engage in the direct and cross-examination of witnesses, and present oral argument to the Board. The appellant contractors often are represented by well-known law firms. If protests are filed during bidding on contracts and mistakes in bids are alleged after the award of a contract, the decisions are written by the office's attorneys. In these instances, the attorney acts as a decision-maker rather than an advocate, weighing evidence presented by both prospective offerors and the Postal Service contracting officer and arriving at a reasoned decision based on law and precedents. Assistance, frequently including the drafting of documents and trial preparation, is also given to the Department of Justice in litigation in the various federal courts, including the United States Claims Court and the Court of Appeals for the Federal Circuit.

Attorneys in the Office of Contracts and Property Law also provide advice and counsel with regard to the many social-purpose legal requirements attending the federal government's acquisition and use of property and services. Such requirements include labor protective provisions; handicapped accessibility requirements; relocation assistance for persons and businesses displaced through Postal Service acquisitions; non-discrimination and affirmative action requirements for the protection of Vietnam era veterans and disabled, minority and female workers; and contracting and subcontracting requirements designed to assist small and minority business enterprises.

The Office of Postal Rates and Mailing Rules

The Office of Postal Rates and Mailing Rules has overall responsibility for litigation involving changes in postal rates and fees, in the creation or alteration of postal services, in the enforcement of existing rates and service provisions, and a variety of matters relating to the provision of postal services, including the closing of post offices. Encompassing four separate divisions and including the International Law Counsel, the office is one of the two most exclusively litigation-oriented units in the Law Department.

Under the system designed by Congress when it reorganized the Post Office Department to create the Postal Service, the Service must litigate changes to existing rates or classifications, including changes to reflect the initiation of new types of services, before an independent federal agency, the Postal Rate Commission. Whenever the Postal Service takes action to change the nature of postal services, so as to affect service on a nation-wide basis, it must request an advisory opinion from the Postal Rate Commission. The work of the Classification Division in supporting new service offerings, furthermore, may take it before other administrative agencies, such as the Federal Communications Commission.

The Postal Rate Commission consists of five Commissioners appointed by the President with the advice and consent of the Senate. Its primary function is to recommend changes in postal rates and classifications, and to render advisory opinions on changes in service. The Presidentially-appointed Governors of the Postal Service must act on these recommendations before they become final. Sitting in Washington, D.C., the Commission conducts trial-type hearings to review the Postal Service's requests for changes in rates, classifications, and services.

Within the office, the Rates Division and the Classification Division represent the Postal Service in proceedings conducted before the Postal Rate Commission. Although they operate as distinct units, the major practical distinction in the nature of their work is that the Rates Division generally litigates the Postal Service's omnibus rate cases, involving changes in practically all postal rates and fees. The Classification Division generally handles those cases involving new or

changed service offerings, in particular those offerings incorporating new technologies such as ZIP + 4 Mail. Both divisions handle classification cases, many of which have rate consequences, and vice versa. As a practical matter, therefore, the evidence and issues involved in both rate and classification cases are quite similar.

Postal Rate Commission proceedings are administrative trials. They are adversary in nature, and any individual or organization affected by a proposed change may intervene as a full party. Parties to proceedings may introduce evidence, sponsor witnesses, conduct discovery on the Postal Service and other parties, cross-examine their adversaries' witnesses, submit briefs, and make oral argument. Postal Service attorneys perform all of these functions, since the Service is the principal party in all such proceedings.

Because of the magnitude of the Postal Service's operations and their importance to the business and social life of the country, Postal Rate Commission proceedings attract participation from a variety of sources. Most parties are major mailers or associations of mailers, whose businesses would be substantially affected by changes in postal rates, classifications, or services. Examples of active participants in recent cases are Time, Inc., Newsweek, Dow Jones & Co., National Association of Greeting Card Publishers, Alliance of Nonprofit Mailers, Direct Marketing Association, Inc., Reader's Digest, McGraw-Hill, American Newspaper Publishers Association, the Department of Justice Antitrust Division, the Department of Commerce, the Federal Communications Commission, the Third Class Mail Association, and the Parcel Shippers Association. Major competitors of the Postal Service, such as United Parcel Service also perennially participate in Commission proceedings. In each proceeding, furthermore, the Office of the Consumer Advocate, which is a component of the Postal Rate Commission, represents the interests of the general public.

Postal Service attorneys act as counselors to and advocates for Postal Service management in this litigation. They are active participants in the preparation of every case. They advise management in the development of testimony and evidence; they perform the full range of written adversarial functions during trial; they devise litigation strategy; and they represent the Service as oral advocates. It is not unusual for new attorneys to find themselves representing the Service in hearings shortly after beginning work, and opposing some of the finest and most experienced attorneys in Washington. Because of the importance of rate and classification litigation to the Postal Service, moreover, relatively new attorneys often have close client contact with senior postal officials.

The administrative cases that rates and classification attorneys litigate encompass a wide range of issues of great significance to the Postal Service and the country. Many of these issues are related to economics and business. The Postal Service is in many ways like a regulated public utility, and the issues of its rate-making proceedings are much like those in similar proceedings in other regulated industries. Other issues involve important public policy questions, such as the entry of the Postal Service into the multi-billion dollar electronic communications market. The stakes, furthermore, are high, usually involving many millions of dollars. In the most recently filed omnibus rate case, Postal Service attorneys were responsible for ensuring that rates were obtained that would satisfy an annual revenue requirement of nearly \$30 billion.

Just as Rates Division and Classification Division attorneys represent the Postal Service in proceedings involving the change or establishment of rates, classifications, or services, attorneys in the Rate Application Division represent the Service in matters arising out of the application of rates and classifications. Their administrative practice consists of advising Postal Service officials on decisions to grant or deny mailing privileges, including the right to mail at particular class or subclass rates, and defending those decisions before administrative law judges and in federal court. They perform the same types of functions in connection with these proceedings as Rates and Classification Division attorneys do before the Postal Rate Commission, other federal agencies, and federal courts.

Attorneys of all three divisions have a vigorous federal court practice which arises out of their administrative litigation. Because of the large sums of money and the hotly contested issues at stake in postal administrative litigation, judicial appeal and resort to judicial remedies are common. The Department of Justice represents the Postal Service in some of this litigation, but in the last several years it has become more common than not for the Postal Service to represent itself in court. As a result, rates and classification attorneys gain significant experience in appellate advocacy and in trial advocacy at the district court level.

The Office of Rate and Classification Law offers a substantial opportunity to gain valuable experience in administrative and federal court litigation and in economic regulatory law.

In addition, reporting directly to the Associate General Counsel is the International Law Counsel, who renders legal advice concerning issues involving international mail, drafts international postal agreements, and interprets postal conventions.

Consumer Protection Division

The Consumer Protection Division litigates administrative actions to enforce the postal false representation and lottery statute and a variety of laws declaring particular categories of matter non-mailable.

The false representation proceedings represent the major portion of the division's workload. Through these proceedings, the Postal Service seeks to prevent mail order merchants from using the mails to conduct false or deceptive advertising or lottery schemes. They are initiated when it appears to the division, based upon investigation by the Postal Inspection Service and, in many cases, the advice of scientific experts, that the misrepresentation statute is being violated. A formal administrative complaint is filed with the Postal Service's Judicial Officer. The person against whom the complaint is directed is notified of the complaint and accorded an opportunity to participate in a full administrative hearing. In some cases, the division also initiates, through the United States Attorneys, federal district court actions to allow the Postal Service to detain an advertiser's incoming mail pending termination of the administrative proceedings.

If the Judicial Officer concludes that the evidence presented adequately supports the complaint, he may issue orders which require the return to senders of all mail responding to the deceptive scheme, and order the respondent to cease and desist from continuing the deceptive scheme. Violators of the latter order may be subject to civil penalties of up to \$10,000 per day. A respondent, however, can bring suit in the United States District Court seeking judicial review of the Judicial Officer's orders.

In many instances, in lieu of participating in an administrative hearing respondents elect to enter into a consent agreement by which they agree to discontinue all of the questionable parts of the challenged promotion and permit the return to sender of all mail sent in response to that promotion. In fiscal year 1985, the division initiated 452 formal administrative cases and 66 federal district court actions against respondents located in the United States.

Included among the cases initiated were actions against promoters of work-at-home schemes that falsely promised that the purchaser would earn a stated sum; sellers of a variety of pills or other medications falsely promising to cure diseases, eliminate disabilities, enhance sexual performance, or reduce excess weight; false billing schemes, and sellers of opportunities to participate in nonexistent or exaggerated events or institutions such as concerts, vacation or travel plans, sporting event accommodations, or medical schools.

Office of Field Legal Services

The Office of Field Legal Services includes the Claims Division and the Special Projects Division, both of which are located at national Headquarters. It also includes the five Regional Counsel divisions and the five Regional Labor Counsel divisions which are headquartered in combined offices located in suburban Hartford, Philadelphia, Memphis, Chicago, and suburban San Francisco. The field divisions, which provide many of the same legal services to the Postal Service's regional organizations as the Law Department at Headquarters provides to its Headquarters clients, constitute small field legal departments.

The work performed by regional labor attorneys is substantially similar to that performed by labor attorneys in the Office of Labor Law at Headquarters. The other regional attorneys provide a broad range of legal services in the areas of real estate acquisition, contract law, claims, and litigation liaison with United States Attorneys. They appear before the Postal Service Board of Contract Appeals. In addition, they provide advice to local management with regard to issues of ethical conduct, mail disputes, subpoenas, information access, and other topics.

Claims Division

The chief function of the Claims Division is to resolve claims brought against the Postal Service under the Federal Tort Claims Act (FTCA). Negligence actions for personal injury and property damage constitute the bulk of the workload, but other tort actions are routinely handled: constitutional torts, contribution/indemnity claims for product liability actions prosecuted by postal employees injured in the workplace, and various intentional tort actions such as malicious prosecution, assault, battery, interference with contract, and defamation.

Under the FTCA, state substantive law determines the measure of postal liability. As a consequence, division attorneys develop considerable expertise regarding general negligence law as well as the specific tort law of each state. Because personal injury claims necessarily involve damages issues, division attorneys develop expertise on the medical aspects of certain legal questions. Since tort claims arise from almost every function of the agency, attorneys develop a working knowledge of such matters as contracting and procurement, the leasing of vehicles and facilities, and personnel administration.

Division attorneys resolve claims under the administrative remedy provisions of the FTCA either by settlement or denial of claims. Where suit is brought following the denial of a claim, the attorneys also provide litigation support to the local Assistant United States Attorneys, who generally represent the Postal Service in court. The division attorneys remain involved throughout the litigation, providing settlement authority and advice, researching and evaluating liability and damages

issues, developing litigation strategy, and on occasion preparing motions, affidavits, and other litigation documents. Because the administrative claims and litigation arising from the denial of claims arise all over the country, division attorneys frequently travel to the site in order to negotiate administrative settlements or to assist local Assistant United States Attorneys with litigation matters such as trial preparation.

Division attorneys most frequently act as defense attorneys. However, on occasion, they assume the role of plaintiff's counsel, instigating actions on behalf of the Postal Service against persons whose apparent negligence has caused serious injury to a postal employee. In these actions, division attorneys generally supervise the investigation and gathering of facts and participate considerably in the development of discovery and trial strategy.

Attorneys in the division also perform various other functions. For example, they review claims and handle litigation arising out of money order operations, loss or damage to registered, insured and C.O.D. mail, and other miscellaneous claims asserted by or against the Postal Service. They provide instruction and guidance to persons who have been delegated the responsibility for the resolution of certain tort claims. They also coordinate the retention of legal counsel for postal employees prosecuted or sued in their individual capacities for actions taken as employees and officials of the Postal Service.

Special Projects Division

The Special Projects Division is responsible for providing special legal services that do not fit within the responsibility of any other division of the Law Department. The division's responsibilities include resolution of novel questions of interpretation of the Postal Reorganization Act that may be precedentially significant to the Postal Service or to more than one of the Law Department's offices or divisions, and difficult legal questions requiring the reconciliation of conflicting legal authorities, such as state-federal conflicts or conflicts between postal and non-postal federal laws and regulations. A new attorney's work in the division, for example, usually includes rendering legal advice on the applicability to the Postal Service of particular non-postal federal statutes, administrative regulations, or executive orders.

A short description of a number of areas in which the division is responsible for providing legal services follows:

—Constitutional, legal, and policy issues relating to federalism and individual rights, such as the security and privacy of the mails from acts of government agents under the color or authority of non-postal laws and regulations, and the immunity of the Postal Service from various types of regulation by the states.

—Development of postal products and services not subject to Postal Rate Commission jurisdiction, such as INTELPOST (international electronic mail) service and philatelic products.

—Programs providing non-postal services to other federal agencies.

Because of the small size of the division, entry-level attorneys and summer clerks work directly with the Assistant General Counsel in charge of the division.

Because of the variety of the division's work, its lawyers have excellent opportunities to gain many kinds of legal experience: rendering legal advice; conducting, planning, or assisting in the conduct of all kinds of litigation, including participation in administrative proceedings conducted by other agencies; legal work involved in representing the Postal Service in matters pending before Congressional committees, including proposed legislation, hearings, and informal inquiries; representing postal management in negotiations with representatives of other agencies, private businesses, and foreign postal administrations; drafting notices of proposed and final rules for publication in the Federal Register; and responding to inquiries from members of the public and from government officials.

III. The Honor Attorney Program

Each year the Law Department hires approximately six recent graduates from law schools throughout the country for its Honor Attorney Program. Individuals are recruited and hired usually during the fall of their third year of law school for jobs beginning after graduation, commonly the summer or fall of the next year.

Honor Attorneys enter the Law Department at a grade of EAS-18 on the Postal Service's Executive and Administrative salary scale. Starting salaries are adjusted each year to be at least comparable to a grade of GS-11 on the scale that applies to most other government employees. While in the program, Honor Attorneys are eligible for salary increases of up to 10% of their current salaries every six months, based upon performance. Attorneys remain in the program until they have completed four years of professional practice, or until they attain a grade of EAS-24, which may occur at an earlier time. During their final two six-month periods in the program, Honor Attorneys are eligible for a cumulative merit increase of up to 15% of their salaries.

There are no formal requirements for admission to the program, other than graduation from an accredited law school and admission to practice law in at least one American jurisdiction within 14 months from beginning employment. Competition for the Honor Attorney positions is at a high level; the credentials of recently hired attorneys have been impressive.

In evaluating applicants, the Law Department seeks to place no undue emphasis on any particular element of their educational or personal credentials. We have found that grades and academic accomplishments usually provide an accurate indication of a student's potential as a Postal Service attorney. At the same time, we recognize that these are not the only indicators of potential; we have found that other accomplishments and activities, including significant work experience and participation in clinical programs, provide valuable insights to an attorney's future performance. Our aim in evaluating applicants to the program is to recognize in them the skills necessary to function as attorneys, including analytical ability, advocacy skills, and especially writing ability, and to assess their motivation and character to the extent possible from the limited information available in the hiring process. We place high value on a sense of professionalism and the ability to work with other attorneys, and attempt to select individuals who we believe possess these qualities.

Honor Attorneys are assigned to work in one of the Law Department's divisions in accordance with their preferences and the Department's needs. Because the Department is organized along functional lines, Honor Attorneys develop experience in one particular area of practice, such as labor law or government contract law. Although there is no formal policy of rotation to other divisions during the course of the program, transfer to other divisions, if desired, is possible and occasionally occurs.

As in government service generally, Honor Attorneys assume responsibility very early in their careers. It is not uncommon for them to be assigned important projects or to take active part in litigation very soon after beginning work. Because the practice of our divisions, moreover, involves advocacy in Federal Court or before administrative bodies, for which bar membership is a necessity, Honor Attorneys are encouraged to take the bar examination at their earliest opportunity following graduation. We consider the challenge of early responsibility to be one of the major attractions of legal jobs with the Postal Service.

IV. The Summer Clerkship Program

Each year the Law Department hires about six law students who have completed two years of law school to serve as legal interns during the summer months. Criteria for evaluation of applications for these positions are much the same as for the Honor Attorney Program, with no formal credential requirements. Like the Honor Attorney Program, competition for the positions is at a high level.

Each clerk is generally assigned to one division in accordance with his or her preference and the needs of the Law Department. Although individual experiences may vary, the work of the summer interns does not differ significantly from the work of the newer attorneys, except that the clerks are more likely to be assigned legal research and writing projects initially. The General Counsel encourages the Department's supervisors to expose the interns to a broad sample of the work of their divisions. In most instances, the clerks work closely with attorneys on particular projects and litigation, and frequently are given substantial responsibility.

The Summer Program serves a dual function. It provides the Law Department with a valuable pool of legal resources during the summer months. It also serves as an important recruiting tool, giving the Department a chance to observe closely the work of prospective permanent employees in the actual job situation.

The Law Department is committed to paying its summer law clerks a salary which compares favorably to that generally paid by other federal agencies to their summer clerks (GS-7). One will observe that the salary for our clerks is among the best in the public sector. Beginning and ending dates for the clerks' employment during the summer are flexible and take into account the wishes of the clerks and the needs of the Law Department.

The Law Department generally makes no commitments at the conclusion of the summer to rehire clerks on a permanent basis. We are gratified and fortunate, however, that almost all of our interns do express a desire to be considered for permanent positions when they graduate. The following table shows the Department's record of hiring and retaining former summer clerks over the last 10 years.

Law Clerks Hired for Permanent Positions — Summer 1976-85

	<u>Total Clerks</u>	<u>Hired/Offers</u>	<u>Currently Employed</u>
1976	6	0/3	0
1977	5	0/3	0
1978	6	3/3	1
1979	6	1/3	1
1980	5	0/2	0
1981	5	2/2	1
1982	6	2/3	2
1983	6	2/3	1
1984	6	2/2	2
1985	5	2/2	2

V. The Postal Service as a Client

Working for the Postal Service as an attorney is in many ways like working for a large private corporation as house counsel. Because the Service has been freed by Congress of many of the limitations that are applied to most government agencies, and because its mission is an operational one, the legal services required by the organization tend to be very similar to those needed by business organizations in the private sector. At the same time, the Postal Service is foremost a public service and a large government agency. It does contain a sizable bureaucracy, but most of its employees are engaged in actual operational functions associated with performing the services that we sell to the public.

When Congress reorganized the Post Office Department to create the Postal Service, it directed the Service to bring modern business methods and practices to bear on its mission of providing postal services to the nation. Since reorganization, the Service has come far in working toward that goal. The Post Office Department always was a massive government business, especially in this century. Since reorganization and the removal of substantial political influence on its administration and operations, the Postal Service has made great strides in streamlining its work force, increasing productivity, and structuring its management to operate in a business-like fashion.

For an attorney, the Postal Service is an immensely rewarding and challenging place to work. It offers a unique opportunity to gain valuable practical experience and to assume substantial responsibility as a public servant practicing law in ways more often encountered in private practice than in government. The problems encountered by the Postal Service are similar to those which must be faced by many businesses in the modern economy; and they provide its attorneys with a critical proving ground for their legal skills.

Far from being the "government drones" of contemporary lore, postal employees are on the whole dedicated civil servants. Postal management is professional and seriously committed to the organization's mission. As clients, they are, no doubt, not unlike the officers of any large, complex organization. They do not always agree among themselves about operational or policy matters. Like all clients, furthermore, they do not always agree with their lawyers. But the Postal Service has been fortunate to attract a great many highly competent economists, engineers, administrators, and other professionals who work with its attorneys to solve the problems of the organization.

The Postal Service has its share of critics. Many of its problems, however, are largely misunderstood. Because it is probably the only federal government entity that exists in virtually every community in the nation, it has often become the focus of criticism against government in general. Much controversy continues to exist over the merit and results of Congress's experiment in reorganization.

The United States Postal Service, however, is the world's largest mail system, handling almost half of the entire world's estimated mail volume. Its workers are the most productive postal workers in the world. Its rates for letter mail are less than those of any other major industrial country in the western world. It is by far one of the most efficient postal operations in the world.

The magnitude of the Postal Service's operation is largely unknown and unappreciated by the public. It should be of great interest to the prospective attorney with the Postal Service. In Fiscal Year 1985, the Service had operating revenues, not including government appropriations, of \$27.7 billion dollars. That figure would have ranked the Service 11th among the 500 largest industrial corporations in the United States. Government appropriations for public service purposes and revenue foregone subsidies to particular classes of mail amounted to \$969.6 million. The revenue requirement proposed by the Service in its most recent omnibus rate proceeding before the Postal Rate Commission was in excess of \$28 billion. The Postal Service's work force of approximately 780,000 is second only to General Motors in number of persons employed by a single corporate entity, and is the second largest work force in government. In 1985, the Service handled over 140 billion pieces of mail. In the same year it used almost 150,000 motor vehicles, the largest non-military vehicle fleet in the western world. The Postal Service owns in its own name approximately 4500 buildings, and privately leases or rents about 29,850 others. In 1985, it operated 29,557 post offices and 9,770 stations, branches, and community post offices. Its three largest post offices in Manhattan, Chicago, and Los Angeles had receipts in FY 1985 of \$938.8 million, \$563.7 million, and \$358.9 million, respectively.

What should impress the prospective postal attorney about these statistics is not merely their magnitude, but the fact that the realities they represent are potential sources of legal disputes and problems of great complexity and challenge. Perhaps nowhere else in government can a new attorney encounter a variety of legal problems and issues on such a grand scale. The Postal Service is truly an imposing client for any group of lawyers.

VI. Recent Postal Cases of Interest

We hope that this booklet is informative. However, we realize that no narrative description of the Law Department will give you a complete picture of the work that we do. To help you broaden your perspective, we present the following list of recent court decisions involving the Postal Service. While litigation is not all that we do, a reading of some of the opinions listed below might help you to better appreciate the variety and complexity of the legal issues that arise from the operation of our national postal system.

propriety of 1985 postal rate increases:

Direct Marketing Association v. United States Postal Service, 778 F.2d 96 (2nd Cir. 1985);

procedure for challenging constitutionality of postal rate and mail classification distinctions:

The Enterprise, Inc. v. Bolger, 774 F.2d 158 (8th Cir. 1985);

postal rate-making cost attribution and assignment:

National Association of Greeting Card Publishers v. United States Postal Service, 482 U.S. 810 (1983);

clarification of mail classification authority, scope of Postal Service discretion:

National Easter Seal Society v. United States Postal Service, 656 F.2d 754 (D.C. Cir. 1981);

whether federal or state law governs interpretation of postal lease:

Forman v. United States, 767 F.2d 875 (D.C. Cir. 1985);

challenge to Postal Service procurement solicitation:

Internationel Mailing Systems v. United States, 6 Cl.Ct. 762 (1984);

constitutionality of regulations restricting solicitation on postal premises:

National Anti-Drug Coalition, Inc. v. Bolger, 737 F.2d 717 (7th Cir. 1984);

judicial review of Postal Service procurement decision, requirements for standing to challenge that decision:

Peoples Gas, Light and Coke Company v. United States Postal Service, 658 F.2d 1182 (1981)

interpretation of advertising in enforcement of civil-administrative postal lottery statute:

American Testing Institute v. United States Postal Service, 579 F.Supp. 1345 (D.D.C. 1984);

unconstitutionality of law against mailing of unsolicited advertisements for contraceptives:

Bolger v. Youngs Drug Products, 463 U.S. 60 (1983);

judicial review of Postal Service determination that consent agreements prohibiting certain advertising claims had been breached:

Sean Michaels, Inc. v. United States Postal Service, 853 F.2d 591 (D.C. Cir. 1991);

constitutionality of temporary detention of mail from consumers responding to false and misleading advertising of health products:

United States Postal Service v. Athena Products, Ltd., 654 F.2d 362 (5th Cir. 1981);

regulation of the private carriage of letters:

American Postal Workers Union v. Reacht Postal Services, Inc., 771 F.2d 1375 (10th Cir. 1985);

scope of Freedom of Information Act disclosure exemption:

Skafion v. United States Postal Service, 676 F.2d 35 (5th Cir. 1982);

scope of exception to Government in the Sunshine Act open meetings requirement:

Time, Inc. v. United States Postal Service, 667 F.2d 329 (1981);

constitutionality of mailbox access restriction:

United States Postal Service v. Council of Greenburgh Civic Associations, 453 U.S. 114 (1981);

pre-emption of municipal trespass ordinance by Postal Reorganization Act to permit letter carriers to cross residential lawns during mail delivery:

United States v. City of Pittsburgh, Cal., 661 F.2d 783 (9th Cir. 1981)

apportionment between employer and union of damages due wrongfully discharged employees, union's duty of fair representation:

Bowen v. United States Postal Service, 459 U.S. 212 (1983);

when judicial decision on merits is appropriate in employment discrimination case:

United States Postal Service Board of Governors v. Aikens, 480 U.S. 711 (1983);

permissible scope of judicial review in class action employment discrimination case, appropriate standard for judicial analysis of discrimination claims:

Griffin v. Carlin, 755 F.2d 1516 (11th Cir. 1985);

whether plaintiff in employment discrimination case is entitled to pre-judgment interest:

Cross v. United States Postal Service, 733 F.2d 1327 (6th Cir. 1984), cert. denied, 105 S.Ct. 1750 (1985);

determination of whether employee is "handicapped" within meaning of Rehabilitation Act, scope of Postal Service duty to reasonably accommodate handicapped employee:

Jasany v. United States Postal Service, 755 F.2d 1244 (1985).

whether seniority provisions of national union contract are a legitimate business reason for discharging employee unqualified to perform job:

Daubert v. United States Postal Service, 733 F.2d 1367 (9th Cir. 1984);

application of equitable estoppel to Postal Service, loss of insured mail matter:

Azer v. United States Postal Service, 777 F.2d 1265 (7th Cir. 1985);

product liability tort claim arising out of accident involving used postal jeep:

Shirey v. United States, 582 F.2d 1251 (D.S.C. 1984);

tort claim arising from injury sustained by postal patron on postal property:

LaFond v. United States, 761 F.2d 153 (8th Cir. 1986)

VII. How to Apply

Representatives of the Law Department will be interviewing on the campuses of the following law schools during the fall of 1986: University of California (Berkeley), University of Chicago, Duke University, Georgetown University, George Washington University, Harvard University, Hastings College of Law, Howard University, University of Maryland, University of Michigan, New York University, University of North Carolina, Northwestern University, University of Pennsylvania, Stanford University, University of Texas, University of Virginia, University of Wisconsin, UCLA, and Yale University. Interested students should consult their placement offices in order to arrange interviews.

Students at other law schools are welcome to apply by sending resumes to Daniel J. Fouchesux, Jr., Assistant General Counsel, Law Department, United States Postal Service, Washington, DC 20260-1142.

